



Brent

TREE MANAGEMENT POLICY

December 2017



Barham Park

London Borough of Brent
Brent Civic Centre
Engineers Way
Wembley

HA9 oJF

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1.0 Introduction

Brent is a diverse borough with a distinct character, embracing a wide variety of town centres, suburban areas, parks, open spaces and woodlands. These different land use types are traversed by a network of transport routes, major roads, railways, streets, cycle routes, and the river Brent. Existing through all these landscape types are our trees.

Trees, open spaces and woodlands have for generations played an important role in promoting recreation and public health. Many of our trees grow within and beyond the human lifecycle, giving us a link between the past, present and future. Trees are vital as they provide us with oxygen, store carbon, stabilise the soil and support a diversity of wildlife.

This Tree Management Policy has been developed to consider the benefits and importance of maintaining our trees. It aims to recognise their importance, and place trees within the context of the decisions which will create Brent's landscape of the future and meet the challenge of mitigating and adapting to climate change in the coming decades.

Why have a Tree Management Policy?

Brent has many parks, green spaces and tree-lined streets. These features offer not only aesthetic and wildlife value but many environmental, economic and social benefits too. This policy has been developed to ensure Brent's trees contribute positively to the quality of the local environment; do not pose a risk to the health and safety of people, or of damage to property; are protected from unnecessary harm; and that their management acknowledges the high level of interest shown in them by all who live, work and pass through Brent.

The Environmental Benefits of Trees

Trees on streets and in parks are now recognised as more than just pleasant features; they are the backbone of urban forests and ecosystems. The environmental benefits of trees in urban settings are numerous. They provide a range of environmental, health and community benefits. They:

- absorb carbon dioxide, the main greenhouse gas
- reduce pollution and improve air quality
- moderate temperature extremes
- reduce the risk of flash flooding
- provide shade from UV radiation to reduce skin cancer risks
- contribute to psychological wellbeing
- create character and a sense of place
- support biodiversity

2.0 Policy Framework

2.1 National Policy

The National Planning Policy Framework (produced by the Department for Communities and Local Government in 2011) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system to perform a number of roles focused on the protection and enhancement of the natural environment.

2.2 Regional Policy

Mayoral Strategies and The London Plan, produced by the Greater London Authority for London as a whole, states that '*Trees and woodlands should be protected, maintained and enhanced following the guidance of the London Tree and Woodland Framework (or any successor strategy)*'. This framework explains that to maximise the benefits of trees, the resource should be considered as an urban forest so that trees are managed in a planned and coordinated way.

2.3 Local policy and Brent's vision for the future of trees

The Council is committed to sustainable development and improving the environmental wellbeing of the borough, through the services that we provide and by reducing the adverse effects of our own actions. Our Corporate Strategy commits us to improving the quality of life, becoming an exemplar for environmentally sustainable activity and making sustainability a central issue through initiatives such as the Climate Change Strategy, the Carbon Management Strategy & Implementation Plan, and the Energy Statement & Strategy.

2.4 Policy Statement

The Council aims to raise the profile, value and appreciation of trees in the borough, to improve understanding of tree issues and manage expectations. We will: manage and enhance the urban tree stock in accordance with good arboricultural practice; improve the protection given to trees to ensure the character of localities is preserved; raise the level of tree cover to realise the many benefits of trees and to mitigate against the effects of climate change; minimise the incidence of tree-related subsidence; and improve the handling of insurance claims; reducing the inconvenience caused to residents and the financial implications for the Council. The council recognises that it must seek to achieve these aims in the context of financial constraints. Wherever possible, we will take up opportunities to seek external funding to support the planting of new and replacement trees. We aim to be open about this reality in our relations with the residents we serve.

3.0 Tree Management

3.1 Tree Maintenance

The Council's tree inspection and maintenance programme is governed by a risk-based approach. The aim is to identify issues and deal with them before they escalate into complex problems that require greater attention and expense.

Tree maintenance involves ensuring the borough's street trees are in good health and continue to thrive. Tree maintenance is also linked to the risk trees face or the risk they may pose to property, residents or the public highway.

Examples of tree maintenance techniques the council uses include regular inspections, pruning, tree removal and pollarding.

For the purposes of implementing the tree maintenance programme, the council will:

- carry out regular inspections to identify problems early on and take preventative action where appropriate;
- retain trees unless there are good arboricultural, environmental, or risk related reasons not to;
- grow a wide range of tree species through our management and planting programmes;
- undertake short-rotation pollarding only on certain trees that are growing close to buildings;
- proactively manage our trees based on maintenance cycles ranging from 2 to 5 years depending on age, distance from property, species, health and other arboricultural factors; and
- take account of the spread of artificial light from street lights when planning our tree planting and maintenance works.

3.2 Pruning of Council Trees

The council's annual planned maintenance programme includes tree pruning. The council will generally only prune trees for the following reasons:

- To abate an actionable nuisance such as removal of branches touching buildings or to reduce the water uptake by the tree
- To mitigate against the risk of building subsidence
- Where the works are advantageous to the health of the tree and are done in accordance with good practice
- to improve safety, for example to ensure suitable clearance over footpaths, cycle lanes or carriageways, or where the tree is causing an obstruction to the public highway

In addition to the annual routine tree maintenance programme, the council also carries out emergency and reactive inspections as and when they are deemed necessary. These are sometimes, but not exclusively, generated following requests from residents referred to the Trees Officer. Regardless of how the inspection request is generated (emergency, reactive or planned) the Council applies strict criteria to assess when pruning is deemed necessary.

3.3 Managing Residents' Expectations

The Council occasionally receives requests from residents to prune or remove trees. To ensure an impartial, reasonable and accountable service is provided to all of its residents, the Council does not remove or prune trees to allay or resolve the following issues:

- Interference with satellite, TV or media reception ¹
- Touching telephone wires ²
- Leaf fall or fallen fruit ³
- Problems associated with pollen
- Mess caused by insects or birds
- Honeydew or sticky sap
- Where a tree is perceived to be visually too large
- Obstruction of view ⁴
- Overhanging branches ⁴
- Lack of/too much light ⁴
- Sight lines of Private CCTV systems ⁴
- Wind turbines generating power for private gain
- Solar panels converting sunlight for private gain
- Pruning or removing because a resident is willing to pay
- Speculation that a tree may cause damage to a building or structure

¹The Council (as is the case with any tree owner) has no legal obligation to remove or prune trees to improve TV reception. When positioning a new satellite receiver, residents are recommended to carefully consider existing trees and their potential for growth to avoid problems in the future.

²Telephone wires are plastic coated and faults on the line are very rarely caused by touching branches. Please contact your service provider to address any faults or interference you may have with your phone line.

³Problems caused by falling leaves and fruit, pollen, bird droppings and honey-dew drip are considered natural seasonal nuisances and are not recognised as a 'nuisance under law'. With regards to honeydew, residents are advised to make their own arrangements to minimise the problem such as regular car washing, covering the car or parking in an alternative location

⁴The Council (as is the case with any tree owner) is not legally required to prune a tree to preserve light access or a view. Additionally there is no legal requirement for tree owners to prevent their tree from overhanging another property. Residents do have a legal right to prune, to the boundary of their property (only), any vegetation overhanging their perimeter. Residents must ensure the tree is not protected by planning legislation.

3.4 Tree Removal

Trees will only be removed where there are good arboricultural, environmental or risk-related reasons to do so.

Council owned trees form an integral part of the borough's urban tree stock and the Council will not remove trees without careful consideration. Under certain circumstances trees may be removed: to abate an actionable nuisance; to mitigate against the risk of building subsidence; where the outcome will be advantageous to the tree stock and in accordance with good arboricultural practice; or to improve safety and protect health.

To ensure a fair and reasonable service is provided to all of its residents, the Council will only remove trees for the above reasons. Problems such as those detailed in Section 3.3 Managing Customer Expectations will not be accepted as reasons to justify tree removal.

3.5 Publicising Tree Removal

The Council will seek to inform the public of any proposed tree removals by placing a notice on the tree at least ten (10) working days in advance of the felling date. The notice will notify the public of its intention and the reasons for removing established trees. It will also provide additional information on the council's sponsorship scheme for replacement and new trees.

Exceptions to this may be necessary when trees need to be removed urgently, for example:

- Trees that have become dangerous and pose a risk to the public
- Young trees that have failed to establish properly and have died
- Trees that are already dead

3.6 Maintain Tree Cover through Replacement Planting

To maintain tree cover across the borough, the Council will seek, over the long term, to plant at least one new tree for every tree it removes. Funding constraints can however limit our ability to achieve this ambition.

Currently street tree planting occurs between November and March each year. To ensure new trees are successfully established, the Council will inspect all new trees in each of the two years following planting; any failure to thrive will be investigated and the tree replaced.

It is recognised that additional funding sources are needed to sustain the borough's stock of trees. Possible sources of funding include grant funding from the Mayor of London and GLA, Community Infrastructure Levy/Section 106 contributions for environmental improvements.

3.7 Increasing Tree Cover

The Council will, subject to resources, encourage additional new tree planting throughout the borough. Planting will normally have priority in areas lacking trees and/or deficient in open green space, but the Council encourages new trees on all its sites and welcomes all requests and suggestions from the public. Any increase in the borough's tree population will assist the authority in dealing with the effects of climate change and provide a greater resource for residents and visitors.

3.8 Tree Planting and Climate Change

Through new tree planting the Council will seek to diversify the species mix within sites, and mitigate the risks that monoculture and climate change present for tree management.

The role of trees is more important than ever in mitigating the effects of climate change, which itself presents a threat to tree health. In recent years we have seen the rapid spread of pests and diseases internationally and the threat to trees is becoming greater. Examples include horse chestnut leaf miner, and ash dieback.

The spread of new species-specific diseases to the UK emphasises the importance of species distribution. To ensure the continuity of the borough's urban tree stock the Council will seek to increase the variety of species within each site. Without this diversity some areas of the borough could be at risk of losing their tree cover altogether.

3.9 Planting Large Canopy Trees

The Council will carefully consider all tree planting decisions to ensure that the right trees are selected for the chosen location. Where possible, and consistent with the aim of species diversity. The Council will plant large canopy trees to achieve the maximum benefit that trees provide.

These large trees will create new skyline features and offer the maximum impact when mature. The Council understands the importance of planting the right tree in the right location; and in certain

circumstances it will be necessary to scale down to an appropriate size and consider specific constraints such as locality to buildings, soil type, other plants, etc.

3.10 Planned removals and replacements

We have a legacy of trees planted many decades ago, most of which are still appropriate, but some species can attract negative comment from residents. Lime trees in particular attract complaints due to two very species-specific attributes; their ability to produce “suckers” or soft leafy growth from the base of the tree; and their propensity to attract aphids. Removing basal growth so it does not obstruct pedestrians is a costly and labour intensive repetitive task. The honeydew that aphids create is harmless to humans but can leave a sticky residue on vehicles underneath the tree. The borough will during the span of this policy consider replacement of specific mature lime trees to mitigate against these concerns. Where appropriate, lime trees will be replaced by a smaller native sub-species of lime which cause less basal growth and honeydew. In certain areas of the borough, removed lime trees may need to be replaced with an alternative species. Replacement trees would be planted at a suitable stage of growth.

3.11 Pest and Diseases

The Council will ensure adequate resources are available in good time to control and contain the outbreak of known pests and diseases.

The introduction of invasive pests and diseases has increased with globalisation, and many are flourishing under the more favourable conditions associated with climate change. The Council recognises the importance of controlling these pests and diseases. It will look to identify adequate resources in good time to limit the scale of any outbreak and work pro-actively with the statutory authorities.

3.12 Wilful and accidental damage to council trees

Wilful damage to trees is extremely rare. Where it is reported to the council we will seek compensation from the perpetrators; this will usually take the form of financial recompense to put right the damage they have caused. We encourage those who have damaged a tree accidentally e.g. through careless vehicle manoeuvring to report this themselves with the aim of resolving issues amicably. We will inform the police if we feel their intervention will be useful, but we will not waste police time by reporting trivial matters. It is not unusual for members of the public reporting damage to wish to remain anonymous as, in some instances, the person they are implicating may be a near neighbour; we will respect their anonymity while recognising that unsubstantiated accusations cannot always be resolved.

3.13 Useful work by citizens

Some residents have in the past asked how they can enhance the utility of trees, for example by removing low hanging leaves from highway trees. It is important to tackle an erroneous belief that they may face prosecution from the council or that they may be in breach of health & safety rules. This policy sets out to clarify that we are grateful to any resident who can assist with any of the following:

- Apply water to any tree, particularly young saplings.
- Remove low hanging leaves that cause a nuisance to pedestrians
- Remove basal growth from trees that cause a nuisance to pedestrians.
- Remove leaves and branches that cross the boundary line of their own property

If a resident cannot dispose of any leaves or twigs they remove, we would prefer them to do nothing; littering them on the highway is not helpful, we can offer no financial assistance or reward to people who volunteer their time in this pro bono fashion.

3.14 Reduce the Potential for Tree-Related Building Damage

The Council will manage its tree stock with the aim of reducing the potential for damage to buildings, whilst maintaining a healthy and sustainable tree stock.

3.15 Procurement of Tree Contractor/s

In the future procurement of arboricultural works the Council will aim for the highest possible standards while balancing quality with available financial resources.

The Council employs a single contractor to undertake all arboricultural works in the borough. In the procurement of future tree contracts the Council will explore every avenue to achieve the highest standards of arboricultural expertise, whilst delivering value for money. Contracts will be procured in accordance with Council policies.

As part of any procurement exercise the Council will explore the market for by-products of tree management that have the potential to generate financial and environmental benefits.

3.16 Street Tree Inspections

The Council will continue its programme of cyclical street tree inspections to ensure the health and safety of trees is maintained, and the potential for tree-related damage and nuisance is kept to a reasonable minimum.

The management of trees can present numerous challenges, for example:

- Large leaves may block drains and guttering, and cause a potential slip hazard in autumn
- Large pulpy fruits may cause mess and a slip hazard on footpaths if not cleared
- Root action can damage public pavements and kerbs, private walls and hard standing.
- High water-demanding trees can contribute to structural damage in nearby properties
- Honeydew, produced by aphids feeding on the leaves, drips from the trees
- Bird droppings from roosting birds
- Excessive suckering occurs from the base of certain species of tree
- Excessive shading can be caused where inappropriate trees are planted or allowed to grow in inappropriate locations

3.17 Publicising Street Tree Cyclical Pruning

The Council will seek to publicise the cyclical tree pruning regime on its website.

Brent residents continue to show a keen interest in trees, and the Council recognises that residents would like to know what tree works are planned in their local area. The borough-wide programme for tree-maintenance work will be available on the Council website and works will be posted as soon as details become available. The street tree planting programme is not an exhaustive list, as street trees are occasionally planted through alternative funding sources, and planting is occasionally arranged at short notice. The Council therefore reserves the right to plant new trees on Council land without consultation. The Council will, without prejudice, consider any challenges to proposed or recent tree planting (within 21 days); these should be made in writing to the Council's Tree service.

For many years the Council has operated a cyclical street tree inspection and pruning programme across the borough. This regular management regime seeks to ensure that urban trees can continue to make a positive and long-lasting contribution to the environment. The Council has had to reduce the scope of this regime due to financial constraints. We aim to be candid with residents who live on roads where reactive rather than planned work takes place in the future. We will aim to liaise with residents on roads where only reactive work takes place

3.18 Planting New Street Trees

When planting new street trees the Council will consider the future implications for adjacent utilities and highway maintenance, and will in all cases ensure an optimum distance is maintained from street furniture and residential properties

Although the borough contains thousands of street trees there are still many areas that would benefit from additional planting. New trees are required in locations where trees have not been replaced in the past, and where there are large gaps in the distribution of street trees

When selecting trees it is important to consider the principle of ‘right place - right tree’ and that the species chosen are appropriate for the size and character of space available. When positioning new street trees the Council will:

- Consider carefully the future growth of the tree to ensure that this will not compromise the visibility and safe use of the highway.
- Aim to avoid future obstruction of lamp columns by ensuring that the fully mature new tree will not excessively restrict the spread of light from columns.
- In all circumstances consider carefully the potential implications for street parking, and particularly those sites adjacent to disabled and loading bays; and
- Seek to position new trees near the boundary dividing properties

3.19 Tree Sponsorship and Adoption

The council encourages community involvement by asking residents, businesses and other groups to take an active role in helping their local green spaces and streetscapes, fostering a sense of ownership and engagement. Sponsoring or adopting trees is a popular way for the community within Brent to form a link with their locality and gain a sense of pride.

The Council will continue to manage a sponsored tree planting scheme and will aim to expand this. The species choice of the sponsor will be accommodated wherever possible but, due to the importance of species selection, the final decision will be made by the Council’s Tree Service. It should be noted that descriptive plaques will be permitted on certain park sites only. Details of the tree sponsorship scheme are available on the Council’s website.

3.20 Highways Works and New Tree Planting

Planned footway and carriageway resurfacing works on the public highway, and town centre regeneration schemes, often provide the opportunity to plant new trees. The council’s tree service will continue to work closely with the Highway & Infrastructure service to utilise funding opportunities through the Community Infrastructure Levy and Section 106 funding to identify species and areas to plant new trees.

3.21 Air Quality

Urban trees can affect local and regional air quality by altering the urban atmospheric environment. A report from the Department for Environment, Food and Rural Affairs (DEFRA) identifies ways in which trees can affect air quality through:

1. **Temperature Reduction and microclimatic effects:** Tree transpiration and tree canopies can affect air temperature, radiation absorption and heat storage, wind speed, relative humidity, turbulence, surface albedo, surface roughness and consequently the evolution of the mixing-layer height. Such changes in local meteorology can have an effect on local pollutant concentrations in urban areas.
2. **Removal of Air Pollutants:** Trees can remove gaseous air pollution either through uptake via leaf stomata or the plant surface. Once inside the leaf, gases diffuse into intercellular spaces and may be absorbed by water films to form acids or react with inner-leaf surfaces. Research suggests that the planting of trees along the sides of roads could reduce NO₂ concentrations. Trees can also remove pollution by intercepting airborne particles. The full article is available at: <https://laqm.defra.gov.uk/laqm-faqs/faq105.html>

4.0 Trees in Parks, Open Spaces, Cemeteries and Allotments

There are over 90 parks and open spaces in the borough, ranging from formal Victorian parks to a country park, providing approximately 1,000 acres of public open space within the boundaries of Brent.

The council also owns and manages five cemeteries and burial grounds within the borough: Alperton; Paddington Old Cemetery; Willesden New Cemetery; Willesden Old Burial Ground and St. John's Burial ground. It also manages and maintains three closed Churchyard's, St. Mary's in Willesden, St. John's in Wembley and most recently St. Andrews in Kingsbury. Outside the Borough, the council jointly owns Carpenders Park Cemetery, located within the area of Three Rivers District Council near Watford. Harrow Council owns approximately 25 per cent of the burial land at Carpenders Park with Brent managing the whole cemetery as part of a joint delivery arrangement.

There are 21 allotment sites throughout the borough which are owned and managed by the Council.

4.1 Tree Maintenance

The Council's tree contractor is responsible for maintaining the tree stock and undertaking major works within parks and cemeteries. The Parks service also benefit from minor works undertaken by a separate contractor, currently Veolia.

4.2 Minor Tree Works

The council's Public Realm contractor can carry out minor tree works and tasks that can be undertaken from the ground without the use of ladders. These tasks are:

- Twice yearly inspection and removal of epicormic growth up to a height of 2.5m.
- Removal of branches, up to a height of 2m, overhanging hardstanding areas.
- New trees supplied with suitable supports and irrigation pipes.
- Unrequired supports removed.
- Removal of damaged or fallen limbs up to a height of 2m.
- Maintenance of the tree pits.
- Inspection and reporting of damaged/diseased/dead/dying trees to the Trees Officer.

Tree pruning and other arboriculture operations are carried out in accordance with professional standards, specifically BS 3998:2010, and in accordance to the Council's requirements.

Within parks and open spaces, the council will not lop branches unless they are a safety concern. When felling a park tree, the council will not necessarily remove the tree stump as it offers a habitat supporting biodiversity, and can sometimes be used to prevent encroachment.

Trees located along main paths (red routes) through parks and cemeteries (excluding allotments) have a higher inspection frequency than the surrounding area.

Planting of trees: the council offers a memorial tree planting service in parks and cemeteries. The service is responsible for agreeing the species of tree to be planted and the location.

Trees in conservations areas, such as Paddington Old Cemetery, would need to obtain prior approval from the tree officer, planning service, for any works to be carried out.

If home-owners are concerned about trees within parks or open spaces causing subsidence to their properties, they are advised in the first instance to contact their insurance providers who will be able to provide guidance on how to commission and obtain a written report. On receipt of the report the council will consider the risk, and if deemed necessary, preventative works will be undertaken.

Where a private property borders a Park, Cemetery or Allotment, with prior permission residents can prune branches overhanging their property and leave the debris on Council land. The council will arrange for the debris to be cleared.

5.0 Trees located on Brent Council Estates

Trees located on Brent Council housing estates are managed by the Housing service. Trees are managed in line with the service's vision "*to build vibrant, diverse and resilient communities*".

The Housing service is responsible for the day-to-day management of housing for over 9,500 council tenants and 3,000 leaseholders (12,500 residents altogether).

The key objectives that underpin the management of trees on Housing land are to ensure that they do not represent a risk to health and safety; do not cause damage to other properties; they contribute positively to the quality of the local environment; and they are protected from unnecessary harm.

The Housing service has a risk-based, proactive tree inspection and maintenance programme in place. The aim is to identify issues and deal with them before they escalate into complex problems that require greater attention and expense.

Tree maintenance involves effective management of the risks that trees may pose to properties, residents or the general public. It also involves ensuring estate trees are in good health and continue to thrive. Examples of tree maintenance techniques the Housing service uses include regular inspections, pruning and, where necessary, tree removal.

The Housing service aims to remove only trees that are diseased, dead, causing structural damage to property and any communal tree that poses a risk to health and safety. Trees will not be removed or pruned for other reasons such as to reduce leaf fall or sap production; to reduce activities of birds, animals or insects; to change natural light levels or to improve TV or mobile phone signal reception.

We will carry out regular inspections to identify problems early and take preventative action; keep trees unless there are good arboricultural, environmental, or risk-related reasons not to do so, including preventing structural property damage; proactively manage trees based on a two-year maintenance cycle depending on age, distance from property, species, health and other arboriculture factors;

Trees in an individual customer's private garden are the responsibility of the customer to maintain. However, Housing service recognise that there are occasions where intervention is needed. These circumstances are as follows: Where there are vulnerability issues that mean the customer is unable to carry out the work themselves; where there is a health and safety risk; where not taking action may lead to structural property damage; or where not taking action may lead to reputational damage or an insurance claim. In all the above examples, the Housing service we will consider carrying out the work and, in the case of a leaseholder, recharging the customer.

When managing and planting estate trees, the Housing service will consider, amongst other things, the space available both above and below ground, the nature of existing or proposed buildings, future management of different tree types and the impact of climate change.

The Housing service will: consider planting trees which are in keeping with the landscape character, and good arboricultural practice; continue to encourage the council's arboricultural contractor to re-use, recycle and compost tree clippings, old trunks and felled trees; and work with the Council and the developer to ensure they are replaced, as appropriate.

The Housing service will ensure that all council tenants and leaseholders have a reasonable opportunity to have a say in how we manage our tree stock, and will inform council tenants and leaseholders before trees are removed, including the reason for the removal, especially where trees may appear to be otherwise healthy. The Housing service will publish the arboriculture maintenance programmes on the council's website each year.

6.0 Trees on Private Land

Private trees make a significant contribution to the visual amenity of Brent and provide an important habitat for wildlife. The council encourages owners of private trees to manage their trees correctly and in accordance with good arboricultural practice. There is a duty of care to minimise the risk to people and property resulting from trees with their land.

6.1 *Care and Maintenance of Private Trees*

Tree owners have a duty of care towards others and should regularly inspect trees in their ownership or care, maintaining them to a good and safe standard. It is advisable to seek legal advice before carrying out any works to a protected tree either subject to a Tree Preservation Order (TPO) or in a conservation area, unless there is imminent danger to the public.

Branches of trees rooted in a neighbouring property, which overhang the boundary, may be cut back to the boundary to prevent or abate a nuisance. The term nuisance is used in the legal sense and the branches remain the property of the owner.

6.2 *Dangerous Trees*

If a tree on private land is considered to be dangerous and causing a risk or hazard to the public or to nearby properties or structures, the council may serve notice on the owner requesting work is carried out to make safe any risk of hazard. If remedial work is not satisfactorily undertaken as requested, the council may undertake the necessary work and claim compensation from the owner for the cost incurred.

6.3 *Protecting Private Trees*

In accordance with the Town and Country Planning legislation, the council will seek to protect and preserve trees through the use of TPO and Conservation area legislation to ensure that trees amenity value are protected.

6.4 *Trees in Conservation Area*

The statutory definition of a conservation area is “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve”. Existing trees which make a positive contribution to the character of a conservation area and which provide a setting for Brent’s architectural heritage will be preserved.

Any person wishing to remove or undertake works to a tree within a Conservation area is required to give 6 weeks’ notice to the council. The council will register, assess and reply to all correspondence within 6 weeks.

Any person wishing to remove or prune a tree under a TPO is required by law to make a formal application to the planning service. Once the application has been registered it will be assessed and a decision notice issued within 8 weeks detailing the outcome.

The council will seek to prosecute any person who carries out or allows another to carry out on their behalf unauthorised works to a tree protected by a TPO or within a conservation area.

6.5 *Trees owned by Public Authorities*

Where issues arise in respect of trees on land owned by other public bodies; such as trees around canals that are the responsibility of British Waterways; or trees on rail sides that are the responsibility of Transport for London or Network Rail; the Council is limited in its powers to intervene. Nonetheless, the Council seeks to work with the relevant public authorities to advise and encourage that trees are maintained to a satisfactory standard.

7.0 Developments and Trees

7.1 Planning Applications for Developments

Trees on streets, open spaces and private land are at risk from the pressures of development, whether as a result of alterations to an existing building or the redevelopment of a site. Where development is proposed it is essential that both existing and proposed trees are considered from the early stages of design and prior to an application for planning permission.

When processing planning applications for proposed development sites, the council will have a high regard for the retention of all protected trees or those worthy of preservation as per recommendations in the Town and Planning Act 1990, Section 197. Where trees of a sufficient value exist on development sites that are not covered by a Tree Preservation Order (TPO), the council will survey, with a view of protecting the trees, either through the use of planning conditions or through serving of a new TPO. Council owned trees will in most instances be considered as though they are protected by a TPO when planning applications are assessed.

The council will endeavour to ensure all development sites look to incorporate tree planting as part of the planning process. In accordance with policy 7.21 of the London Plan, the council agrees that “any loss as a result of development should be replaced following the principle of *right place, right tree*.”

Where trees have been removed to facilitate a new development, suitable levels of replanting will be required. Where the provisions of tree planting on a development site conflicts with other council policies or where suitable levels of tree planting cannot be found, the council will seek funding through Community Infrastructure Levy (CIL) and Section 106 agreements to enable an appropriate level of compensation for alternative tree planting in the locality.

Should a development result in works to the public highway that would necessitate the removal of a tree, a Section 278 agreement may be entered into in order that a developer pays for a replacement.

The Council, through its Planning service, will seek to maintain and increase the level of tree planting across the borough in accordance with the Local Plan, and will take into consideration commitments to increase the tree stock as part of the Mayor of London’s initiatives.

7.2 Criteria for creation of crossovers

The Council’s Highways and Infrastructure Service receives applications for the construction of domestic vehicle crossovers. Often referred to as ‘dropped kerbs’, these allow vehicles access to drive across the footway to gain access to park on their property. A vehicle crossover is where the footway is strengthened to take the weight of a vehicle and the kerb is dropped to form a ramp.

The creation of crossovers can have a detrimental effect on fronting or adjacent trees. When locating a new crossover a minimum distance is required between the edge of the crossover and the mid-point of the tree stem. This minimum distance is 1 metre.

Crossovers will not normally be allowed where their construction will require either the removal, or cutting of the roots, of a street tree. Generally, a street tree will only be removed for the purpose of creating a crossover if it is dead, diseased or dying, considered to be at the end of its useful life expectancy, or in some exceptional circumstances.

In all cases, the Highways and Infrastructure service will seek advice from the Arboricultural Officer and where it is agreed to remove a street tree, the applicant will be required to pay for the cost of its removal and replacement of either one or two trees to be located, wherever possible, elsewhere outside or in close proximity to their frontage.

8.0 Claim Mitigation

Brent Council's Insurance team currently manages all claims relating to the Council's trees. Where a tree is implicated as having potentially caused subsidence damage to a property, the burden of proof is on the claimant to provide evidence that the tree is the cause.

Where a claim has been notified to the Council, the Council may undertake appropriate tree management, on a strictly without prejudice basis in respect to legal liability. Such tree management measures may include cyclical pruning and/or pollarding or, alternatively, removal of the implicated tree/s. To manage risk and reduce liability for insurance claims, specified large trees and, where appropriate, groups of trees would be pruned more frequently. The council will therefore undertake the following actions:

- Instigate a regime of cyclical pruning of Council tree stock in areas predisposed to building movement where this is appropriate
- Prioritise resources for dealing with subsidence-generated claims directed at Council-owned trees
- Instigate a regime of selective removal and replacement of street tree stock in areas predisposed to building movement where this is appropriate
- Challenge unwarranted claims based on poorly investigated or inaccurate evidence

9.0 Claim Procedure

The process for dealing with insurance claims is as follows:

If you wish to claim for an incident which you consider has caused loss or damage to property, and/or personal injury, claimants are required to complete and return the 'details of accident form' that is available to download from the Council's website. Prior to completing the form, it is advisable for the claimant to contact the Council to check the tree concerned is owned or managed by the Council, and it is beneficial to send any photographs with the claim form. The claimant/property owner or their building insurers should provide the Council with the following:

- A structural report with a formal description of the damage and opinion as to causation (usually carried out by an appointed Chartered Surveyor or structural engineer)
- Twelve months crack and/or level monitoring to show evidence of the cyclical movement relating to the seasonal effect of vegetation (as opposed to the effect of defective drainage or other causes)
- Positive root identification and evidence of encroachment of roots beneath the foundations of the property;
- An Arboricultural Report identifying the alleged source of the identified roots and implicated trees by species;
- Soil analysis including the classification of the sub-soil and laboratory testing.

1 Subsidence occurs on clay soils, which naturally shrink or swell with changes in soil moisture. The water demand from trees and other vegetation growing on clay soils can affect the shrink/swell effect and, where close to buildings, a tree's effect on clay shrinkage can cause damage. Many properties in Brent are built on sub soils with a high proportion of London clay.

Useful Information source

England's Trees, Woods and Forests' (2007)

<http://www.greeninfrastructurenw.co.uk/climatechange/doc.php?docID=107>

National Planning Policy Framework (NPPF) 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

The London Plan 2011 (updated 2016)

https://www.london.gov.uk/sites/default/files/the_london_plan_malp_final_for_web_0606_0.pdf

London Tree and Woodland Framework (2005)

[https://www.forestry.gov.uk/pdf/ltwf_full.pdf/\\$FILE/ltwf_full.pdf](https://www.forestry.gov.uk/pdf/ltwf_full.pdf/$FILE/ltwf_full.pdf)

Tree Preservation Order

https://www.planningni.gov.uk/8pp_tree_preservation_order_lores.pdf

Town and Country Planning Act 1990

http://www.legislation.gov.uk/ukpga/1990/8/pdfs/ukpga_19900008_en.pdf

Town and Country Planning (Tree Preservation) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/605/pdfs/uksi_20120605_en.pdf

Highways Act 1990

http://www.legislation.gov.uk/ukpga/1980/66/pdfs/ukpga_19800066_en.pdf

Domestic Vehicle Footway Crossover Policy

<https://www.brent.gov.uk/media/16408426/vehicle-crossover-policy-v3-revised-may-17.pdf>

The Woodland Trust

<https://www.woodlandtrust.org.uk>

Council Service Areas

Parking and Street Lighting – Trees Service

Highways and Infrastructure

Parks, Open Spaces and Cemeteries

Brent Housing

Planning Department

Brent Councils Tree Adoption / Sponsorship Scheme

This scheme allows you to pay for a tree to be planted on the public highway. Call us on 020 8937 5050 to discuss the scheme in more detail.

For a full list of Council services please visit www.brent.gov.uk